

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DEBORAH S. HUNT, Clerk

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) ON APPEAL FROM THE UNITED
) STATES DISTRICT COURT FOR
) THE EASTERN DISTRICT OF
) MICHIGAN
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In July 2023, West filed a motion that purportedly sought relief under Federal Rule of Civil Procedure 60(b) or 28 U.S.C. § 2241, and challenged his “illegal and unconstitutional” life sentence. The district court determined that the motion attacked the merits of his sentence and/or

No. 23-1850

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conviction and issued an order on August 30, 2023, transferring the action to this court for consideration as an application for leave to file a second or successive 28 U.S.C. § 2255 motion to vacate. *See In re West*, No. 23-1792. West has filed a notice of appeal from the district court's order.

We lack jurisdiction over this appeal. An order transferring a motion to an appellate court for consideration as a motion for authorization to file a second or successive motion to vacate is not appealable. *See Howard v. United States*, 533 F.3d 472, 474 (6th Cir. 2008).

Accordingly, we **DISMISS** this appeal for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 09/26/2023.

Case Name: Roy West v. USA

Case Number: 23-1850

Docket Text:

ORDER filed to DISMISS case for lack of jurisdiction. No mandate to issue, decision not for publication. Danny J. Boggs, Circuit Judge; Julia Smith Gibbons, Circuit Judge and David W. McKeague, Circuit Judge.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Mr. Roy Christopher West
F.C.I. Milan
P.O. Box 1000
Milan, MI 48160

A copy of this notice will be issued to:

Ms. Jessica Vartanian Currie
Ms. Kinikia D. Essix